

## Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-01 INR-07 L-03

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 DHA-02

IO-13 /073 W

-----200843Z 110472 /11

R 191520Z JAN 77

FM AMEMBASSY PRAGUE

TO SECSTATE WASHDC 1896

INFO AMEMBASSY BELGRADE

AMEMBASSY BERLIN

AMEMBASSY BONN

RUDKARWJAMEMBASSY BUCHAREST 2132

AMEMBASSY BUDAPEST

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMCONSULATE MUNICH

AMEMBASSY PARIS

AMEMBASSY ROME

AMEMBASSY SOFIA

AMEMBASSY WARSAW

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E.O. 11652: N/A

TAGS:133(1,5, SHUM, CZ

SUBJECT: TEXT OF CHARTER 77

WE TRANSMIT BELOW, FOR THOSE ADDRESSEES WHO MAY NOT HAVE SEEN IT ELSEWHERE, AN UNOFFICIAL EMBASSY TRANSLATION OF THE TEXT OF CHARTER 77. SEVERAL SOURCES HAVE CONFIRMED THAT THE CZECH-LANGUAGE TEXT IS CIRCULATING RATHER WIDELY IN CERTAIN CIRCLES IN PRAGUE, NAMELY AMONG UNIVERSITY STUDENTS AND YOUNG PROFESSIONAL WORKERS. ITS CONTENTS HAVE BEEN REFERRED TO IN SUBSEQUENT DECLARATIONS BY THE SIGNERS WHICH HAVE NOW REACHED US. WE HOPE SHORTLY TO

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OBTAIN A LIST OF SIGNATORIES.

BEGIN TEXT: QUOTE ON OCTOBER 13, 1976 IN THE COLLECTION OF LAWS (VOL. 120), WERE PUBLISHED THE "INTERNATIONAL CONVENTION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS," WHICH WERE SIGNED IN THE NAME OF OUR REPUBLIC IN 1968, REAFFIRMED IN HELSINKI IN 1975, AND WHICH ENTERED INTO EFFECT HERE IN CZECHOSLOVAKIA ON MARCH 23,

1976. FROM THAT TIME OUR CITIZENS HAVE THE RIGHT, AND OUR STATE HAS THE RESPONSIBILITY, TO BE GUIDED BY THEM.

THE LIBERTIES AND RIGHTS OF PEOPLE, WHICH THESE PACTS GUARANTEE, ARE IMPORTANT CIVILIZING VALUES, TOWARDS WHICH THE EFFORTS OF MANY PROGRESSIVE FORCES HAVE TENDED, AND THEIR INTRODUCTION INTO LAW CAN MAKE AN OUTSTANDING CONTRIBUTION TO THE HUMANE DEVELOPMENT OF OUR SOCIETY.

WE THEREFORE WELCOME THE FACT THAT THE CZECHOSLOVAK SOCIALIST REPUBLIC HAS SUBSCRIBED TO THESE PACTS.

THEIR PUBLICATION, HOWEVER, AS WELL AS A NEW URGENCY, REMINDS US HOW MANY BASIC CIVIL RIGHTS HAVE FORCE IN OUR COUNTRY FOR THE TIME BEING--UNFORTUNATELY--ONLY ON PAPER.

COMPLETELY ILLUSORY, FOR EXAMPLE, IS THE RIGHT TO FREEDOM OF SPEECH, GUARANTEED BY ARTICLE 19 OF THE FIRST-MENTIONED PACT.

TENS OF THOUSANDS OF CITIZENS ARE UNABLE TO WORK IN THEIR PROFESSIONS ONLY BECAUSE THEY MAINTAIN OPINIONS DIFFERENT FROM OFFICIAL VIEWS. THEY ARE IN THIS CONNECTION THE OBJECT OF THE MOST VARIED DISCRIMINATION AND HARASSMENT ON THE PART OF OFFICES AND SOCIAL ORGANIZATIONS: DEPRIVED OF ANY WAY TO PROTECT THEMSELVES, THEY BECOME IN PRACTICE THE VICTIMS OF APARTHEID.

HUNDREDS OF THOUSANDS OF OTHER CITIZENS ARE DENIED "FREEDOM FROM FEAR" (PREAMBLE OF FIRST MENTIONED PACT), BECAUSE THEY ARE FORCED TO LIVE IN CONSTANT DANGER THAT, THEIR VIEWS HAVING BECOME LIMITED OFFICIAL USE

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KNOWN, THEY WILL LOSE THEIR WORK AND OTHER POSSIBILITIES.

IN CONFLICT WITH ARTICLE 13 OF THE SECOND PACT, GUARANTEEING TO ALL THE RIGHT TO EDUCATION, INNUMERABLE YOUNG PEOPLE ARE PREVENTED FROM STUDYING ONLY BECAUSE OF THEIR VIEWS OR EVEN ON ACCOUNT OF THE VIEWS OF THEIR PARENTS. AN UNCOUNTABLE NUMBER OF CITIZENS MUST LIVE IN FEAR THAT IF THEY WERE TO EXPRESS THEMSELVES IN ACCORDANCE WITH THEIR CONVICTIONS, THEY THEMSELVES OR THEIR CHILDREN COULD BE DEPRIVED OF THE RIGHT TO EDUCATION.

THE ENFORCEMENT OF THE RIGHTS TO "SEEK, RECEIVE AND DISTRIBUTE INFORMATION AND THOUGHTS OF ALL KINDS, IRRESPECTIVE OF BORDERS, WHETHER ORALLY, IN WRITING OR IN PUBLISHED FORM" OR "BY MEANS OF ART" (POINT 2 OF ARTICLE 13, FIRST-MENTIONED PACT) IS HINDERED NOT ONLY EXTRA-LEGALLY, BUT ALSO IN THE COURTS, OFTEN UNDER THE MASK OF CRIMINAL PROSECUTION. (THE RECENT TRIAL OF THE YOUNG MUSICIANS BEARS WITNESS TO THIS).

THE FREEDOM OF PUBLIC EXPRESSION IS SUPPRESSED BY THE

CENTRAL DIRECTION OF ALL INFORMATION MEDIA AND OF THE PUBLISHING  
AND CULTURAL ESTABLISHMENT. NO POLITICAL, PHILOSOPHICAL OR  
SCIENTIFIC OPINION OR ARTISTIC EXPRESSION, HOWEVER SLIGHTLY  
EXTENDING BEYOND THE NARROW FRAME OF OFFICIAL IDEOLOGY OR ESTHETICS  
CAN BE PUBLISHED; PUBLIC CRITICISM OF CRITICAL SOCIAL PHENOMENA  
IS MADE IMPOSSIBLE; THE POSSIBILITY OF PUBLIC DEFENSE AGAINST  
UNTRUE AND INSULTING ACCUSATIONS OF THE OFFICIAL PROPAGANDA  
IS EXCLUDED. (LEGAL DEFENSE AGAINST "ATTACKS ON HONOR AND REPUTATION,  
"

SINGULARLY GUARANTEED BY ARTICLE 17 OF THE FIRST PACT, IN  
PRACTICE DOES NOT EXIST); LYING ACCUSATIONS CANNOT BE REFUTED AND  
ANY ATTEMPT TO SEEK CORRECTION OR REDRESS THROUGH THE COURTS IS  
IN VAIN: IN THE AREA OF SPIRITUAL AND CULTURAL CREATION OPEN  
DISCUSSION IS RULED OUT. MANY SCIENTIFIC AND CULTURAL WORKERS  
AND OTHER CITIZENS ARE DISCRIMINATED AGAINST ONLY BECAUSE YEARS  
AGO THEY LEGALLY PUBLISHED OR OPENLY EXPRESSED VIEWS WHICH THE  
CURRENT POLITICAL POWER CONDEMNED.  
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NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 DHA-02  
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R 191520Z JAN 77

FM AMEMBASSY PRAGUE

TO SECSTATE WASHDC 1897

INFO AMEMBASSY BELGRADE

AMEMBASSY BERLIN

AMEMBASSY BONN

AMEMBASSY BUCHAREST

AMEMBASSY BUDAPEST

AMEMBASSY LONDON

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THE FREEDOM OF RELIGIOUS BELIEF, EMPHATICALLY GUARANTEED BY ARTICLE 18 OF THE FIRST PACT, IS SYSTEMATICALLY LIMITED BY ARBITRARINESS OF THE POWERES THAT BE; BY THE CURTAILING OF ACTIVITY OF PRIESTS, OVER WHOM CONSTANTLY HANGS THE THREAT OF DENIAL OR LOSS OF STATE APPROVAL OF THE DISCHARGE OF THEIR FUNCTION; EXISTENTIAL AND OTHER PERSECUTION OF PEOPLE WHO BY WORD OR DEED EXPRESS THEIR RELIGIOUS CONVICTION; BY THE SUPPRESSION OF RELIGIOUS INSTRUCTION AND SO FORTH.

THE INSTRUMENT OF LIMITATION AND OFTEN OF COMPLETE SUPPRESSION OF A SERIES OF CIVIL RIGHTS IS THE SYSTEM OF FACTUAL SUBORDINATION  
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OF ALL INSTITUTIONS AND ORGANIZATIONS IN THE STATE TO THE POLITICAL DIRECTIVES OF THE APPARATUS OF THE RULING PARTY AND TO THE DECISIONS OF INFLUENTIAL INDIVIDUALS. THE CONSTITUTION OF THE CSSR AND OTHER LAWS AND LEGAL NORMS CORRECT NEITHER THE CONTENT AND FORM NOR THE CREATION AND APPLICATION OF SUCH DECISIONS: THEY ARE OFTEN ONLY SPOKEN, UNKNOWN AND UNCONTROLLED BY THE CITIZENS; THEIR ORIGINATORS ARE RESPONSIBLE TO NO ONE BUT THEMSELVES AND THEIR OWN HIERARCHY, HOWEVER IN A DECISIVE WAY THEY INFLUENCE THE ACTIVITY OF THE LEGISLATIVE AND EXECUTIVE ORGANS OF STATE ADMINISTRATION, JUSTICE, PROFESSIONAL, INTEREST-GROUP AND ALL OTHER SOCIAL ORGANIZATIONS, WORK PLACES, INSTITUTES, OFFICES, SCHOOLS AND OTHER ESTABLISHMENTS IN THE COURSE OF WHICH THEIR ORDERS TAKE PRECEDENCE EVEN BEFORE THE LAW. SHOULD AN ORGANIZATION OR CITIZENS IN THE INTERPRETATION OF THEIR RIGHTS AND RESPONSIBILITIES COME INTO CONFLICT WITH A DIRECTIVE, THEY CANNOT TURN TO AN IMPARTIAL ARBITER, BECAUSE NONE EXISTS. BY ALL OF THIS, THE RIGHTS FLOWING FROM ARTICLES 21 AND 22 OF THE FIRST PACT (RIGHT OF ASSEMBLY AND PROHIBITION OF ANY LIMITATION ON THIS RIGHT) AND ARTICLE 25 (THE RIGHT TO SHARE EQUALLY IN THE DIRECTION OF PUBLIC AFFAIRS) AND 26 (WHICH RULES OUT DISCRIMINATION BEFORE THE LAW) ARE SERIOUSLY LIMITED. THIS SITUATION ALSO PREVENTS BLUE COLLAR AND OTHER WORKERS FROM RELYING, WITHOUT ANY LIMITATIONS, ON TRADE UNIONS AND OTHER ORGANIZATIONS FROM THE DEFENSE OF THEIR ECONOMICS ON SOCIAL INTERESTS AND FROM FREELY USING THE RIGHT TO STRIKE (PART 1 OF ARTICLE 8 OF THE SECOND PACT).

OTHER CIVIL RIGHTS, INCLUDING THE PROHIBITION OF "ARBITRARY INTERFERENCE IN PERSONAL LIFE, THE FAMILY, THE HOME OR CORRESPONDENCE"

(ARTICLE 17 OF THE FIRST PACT), ARE DANGEROUSLY VIOLATED ALSO BY THE FACT THAT THE MINISTRY OF INTERIOR BY THE MOST VARIED MEANS CHECKS UP ON THE LIFE OF THE CITIZENRY, FOR EXAMPLE BY EAVES-DROPPING ON TELEPHONES AND APARTMENTS, BY CHECKING THE MAILS, SHADOWING INDIVIDUALS, HOUSE SEARCHES, BUILDING A WEB OF INFORMERS FROM THE RANKS OF THE POPULATION (RECRUITED OFTEN BY LIMITED OFFICIAL USE

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MEANS OF UNADMITTED THREATS OR ON THE CONTRARY, PROMISES), AND SO ON. OFTEN THIS PROCEDURE ENTERS INTO THE DECISION-MAKING OF EMPLOYERS, INSPIRES DISCRIMINATORY ACTIONS BY OFFICES AND ORGANIZATIONS, INFLUENCES THE JUSTICE ORGANS AND DIRECTS THE PROPAGANDA CAMPAIGN IN THE MEDIA. THIS ACTIVITY IS NOT REGULATED BY LAWS, IT IS SECRET AND THE CITIZEN HAS NO WAY TO DEFEND HIMSELF AGAINST IT.

IN CASES OF POLITICALLY-MOTIVATED PENAL PERSECUTION THE INVESTIGATING AND JUSTICE ORGANS VIOLATE THE RIGHTS OF THE ACCUSED AND THEIR DEFENSE, GUARANTEED BY ARTICLE 14 OF THE FIRST PACT AND BY CZECHOSLOVAK LAWS. IN THE PRISONS THEY DEAL WITH THOSE SENTENCED IN SUCH A WAY AS TO VIOLATE THE HUMAN DIGNITY OF THE PRISONERS, THREATEN THEIR HEALTH AND BREAK THEM MORALLY.

POINT 2 OF UTICLE 12 OF THE FIRST PACT, GUARANTEEING TO THE CITIZEN THE RIGHT FREELY TO LEAVE HIS COUNTRY, IS GENERALLY OBSERVED IN THE BREACH; ON THE PRETEXT OF "DEFENSE OF NATIONAL SECURITY" (POINT 3). THIS RIGHT IS RESTRICTED BY VARIOUS INADMISSABLE CONDITIONS. ARBITRARY MEASURES ARE ALSO TAKEN WITH REGARD TO THE ISSUANCE OF ENTRY VISAS TO FOREIGNERS, ON ACCOUNT OF WHICH THEY CANNOT VISSIT CSSR, FOR EXAMPLE, ONLY BECAUSE THEY HAD WORKING OR FRIENDLY CONTACTS WITH PERSONS DISCRIMINATED AGAINST HERE.

SOME CITIZENS--BE IT PRIVATELY, AT THE WORKPLEJE OR PUBLICLY, WHICH IS PRACTICALLY POSSIBLE ONLY IN FOREIGN MEDIA--ARE WRANING OF THE SYSTEMATIC VIOLATION OF HUMAN RIGHTS AND DEMOCRATIC FREEDOMS, AND ARE PRESSING FOR REDRESS IN CONCRETE CASES; THEIR APPEALS, HOWEVER, REMAIN LARGELY WITHOUT ANSWER OR BECOME THE SUBJECT OF INVESTIGATION.

RESPONSIBILITY FOR THE SAFE-GUARDING OF CIVIL RIGHTS IN THE COUNTRY OBVIOUSLY FALLS PRIMARILY ON THE POLITICAL AND STATE POWERS. BUT NOT ONLY ON THEM. EVERY PERSON BEARS HIS SHARE OF RESPONSIBILITY FOR THE SITUATION OF THE COMMUNITY, INCLUDING THE UPHOLDING OF PACTS WHICH HAVE BEEN RATIFIED AND ARE NOW LAW, AND LIMITED OFFICIAL USE

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WHICH, IN THE END, ALL CITIZENS, NOT ONLY THE GOVERNMENT, UNDERTAKE.

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R 191520Z JAN 77  
FM AMEMBASSY PRAGUE  
TO SECSTATE WASHDC 1898  
INFO AMEMBASSY BELGRADE  
AMEMBASSY BERLIN  
AMEMBASSY BONN  
AMEMBASSY BUCHAREST  
AMEMBASSY BUDAPEST  
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A FEELING OF CO-RESPONSIBILITY, A FAITH IN THE MEANING OF  
CITIZENS' ENGAGEMENT AND FAVOR TOWARDS IT, AND THE COMMON NEED TO  
SEEK A NEW AND MORE EFFECTIVE EXPRESSION OF IT, LED US TO THE IDEA  
OF FORMING CHARTER 77 WHOSE ESTABLISHMENT WE TODAY PUBLICLY  
ANNOUNCE.

CHARTER 77 IS A FREE, INFORMAL AND OPEN SOCIETY OF PEOPLE  
OF VARIOUS PERSUASIONS, VARIOUS BELIEFS AND VARIOUS PROFESSIONS,  
WHO ARE JOINED BY THE DESIRE, INDIVIDUALLY AND COLLECTIVELY, TO WORK  
FOR THE RESPECTING OF CIVIL AND HUMAN RIGHTS IN OUR COUNTRY  
AND IN THE WORLD--OF THOSE RIGHTS WHICH ARE AWARDED TO MAN BY BOTH  
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RATIFIED INTERNATIONAL PACTS, THE FINAL ACT OF THE HELSINKI CONFERENCE, NUMEROUS OTHER INTERNATIONAL DOCUMENTS AGAINST WARS, VIOLENCE AND SOCIAL AND SPIRITUAL OPPRESSION, AND WHICH ARE SUMMARIZED IN THE U.N. GENERAL DECLARATION OF HUMAN RIGHTS.

CHARTER 77 GROWS OUT OF THE SOLIDARITY AND FRIENDSHIP OF PEOPLE WHO SHARE A CONCERN FOR THE FATE OF IDEALS, WITH WHICH THEY HAVE JOINED AND CONTINUE TO JOIN THEIR LIVES AND THEIR WORK.

CHARTER 77 IS NOT A BASIS FOR OPPOSITIONAL POLITICAL ACTIVITY. IT WANTS TO SERVE THE PUBLIC INTEREST AS DO MANY SIMILAR CITIZENS' INITIATIVES IN THE VARIOUS COUNTRIES OF WEST AND EAST. IT DOES NOT WANT TO PRESENT ITS OAX PROGRAMS OF POLITICAL OR SOCIETAL REFORMS OR CHANGES, BUT TO CARRY ON WITHIN THE AREA OF ITS ACTIVITY A CONSTRUCTIVE DIALOGUE WITH THE POLITICAL AND STATE POWERS, PARTICULARLY BY POINTING OUT VARIOUS CONCRETE CASES OF THE VIOLATION OF HUMAN AND CIVIL RIGHTS, PREPARING DOCUMENTATION OF SUCH CASES, SUGGESTING SOLUTIONS, PUTTING FORWARD VARIOUS PREVALENT SUGGESTIONS, LEADING TOWARDS THE DEEPENING OF THESE RIGHTS AND THEIR SAFE-GUARDING, BY ACTING AS THE MEDIATOR IN CONFLICT SITUATIONS WHICH WRONG-DOING MAY EVOKE, AND SO FORTH.

BY ITS SYMBOLIC NAME CHARTER 77 EMPHASIZES THAT IT ARISES ON THE THRESHOLD OF A YEAR WHICH HAS BEEN PROCLAIMED THE YEAR OF RIGHTS OF POLITICAL PRISONERS AND IN WHICH THE BELGRADE CONFERENCE SHOULD EXAMINE THE FULFILLMENT OF THE UNDERTAKINGS OF HELSINKI.

AS SIGNATORIES OF THIS DECLARATION WE ENTRUST PROFESSOR JAN PATOCKA, DR. SC. DR. HORORIS CAUSA, VACLAV HAVEL, AND PROF. DR. JIRI HAJEK, DR.SC., WITH THE ROLE OF SPOKESMEN FOR CHARTER 77. THESE SPOKESMEN WILL REPRESENT IT WITH FULL POWERS BEFORE STATE AND OTHER ORGANIZATIONS AND BEFORE OUR OWN AND THE WORLD PUBLIC, AND BY THEIR SIGNATURES THEY GUARANTEE THE AUTHENTICITY OF THEIR DOCUMENTS. IN US AND IN OTHER CITIZENS WHO WILL ADD THEIR SIGNATURRES, THEY WILL HAVE THEIR CO-WORKERS WHO WILL LIMITED OFFICIAL USE

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PARTICIPATE IN THE NECESSARY TALKS, TAKE CHARGE OF APPORTIONED TASKS AND SHARE OVERALL RESPONSIBILITY.

WE BELIEVE THAT CHARTER 77 WILL CONTRIBUTE TO THE END THAT ALL CITIZENS IN CZECHOSLOVAKIA SHOULD WORK AND LIVE AS FREE PEOPLE.

JANUARY 1, 1977. END QUOTE: END TEXT.  
BYRNE

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## Message Attributes

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**Copy:** SINGLE  
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**Decaption Note:**  
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**Disposition Approved on Date:**  
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**Disposition Date:** 22 May 2009  
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**TAGS:** SHUM, PL  
**To:** STATE  
**Type:** TE  
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